

REMARKS

Claims 1-29 are pending. The specification is objected to as not containing the serial numbers or filing dates of the related applications. Claims 1-6, 8-16, and 18-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,097,964 to Nuovo et al. Claims 7 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,097,964 to Nuovo et al. and U.S. Patent No. 5,063,289 to Jasinski et al.

Reconsideration is requested. No new matter is added. The rejections are traversed. The specification is amended to include the serial numbers and filing dates of the related applications. Claims 1, 10, and 20 are amended. Claims 30-39 are added. Claims 1-39 remain in the case for consideration.

REJECTION UNDER 35 U.S.C. § 102(e)

Although the Examiner indicated that claim 27 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,097,964 to Nuovo et al., the Examiner does not explicitly explain why claim 27 is so rejected. In addition, although the Examiner indicated that only claims 7 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,097,964 to Nuovo et al. and U.S. Patent No. 5,063,289 to Jasinski et al., the Examiner refers to claims 7, 17, *and* 27 when he acknowledges that Nuovo does not teach the cable to connect the device to a second device. As claim 27 includes a limitation similar to that of claims 7 and 17, and because the Examiner referred to claim 27 in acknowledging that Nuovo does not teach the cable, the Applicant treats claim 27 as standing rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,097,964 to Nuovo et al. and U.S. Patent No. 5,063,289 to Jasinski et al., and not under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,097,964 to Nuovo et al.

Referring to claim 1, the invention is directed toward a selection device. The selection device includes a display and a selector. The selector is operable in two axes, and in two directions on each axis. One axis is used for changing the selection, and the other axis is used for accepting or rejecting the selection.

Referring to claim 10, the invention is directed toward a method for using a selection device. A menu in the selection device is navigated. The selection device is operable in two axes, and in two directions on each axis. One axis is used for changing the selection, and the other axis is used for accepting or rejecting the selection. The selection is presented in a

display, and an operation is performed responsive to the selection. Claim 20 is a Beauregard claim similar to claim 10.

In contrast, Nuovo teaches a navigation key. The navigation key is on the front of a telephone handset. The navigation key may be rolled through an opening in the front surface of the phone, and may be pressed.

There are some differences between the invention and Nuovo. The first difference lies in the fact that the selection device may be operated in two directions in each of the axes. For example, as shown in FIG. 1, knob 110 is shown as capable of being twisted around one axis, to scroll the display up and down (in a manner consistent with the rotational direction in which knob 110 is twisted). Knob 110 is also shown as capable of being pushed or pulled, to accept or reject a selection. In comparison, while the navigation key of Nuovo may be rolled either up or down, it may only be pushed: it may not be pulled. Accordingly, Nuovo does not anticipate a selection device that may be operated in two different directions on two different axes. Nor would it be obvious to modify Nuovo to allow the button to be pulled: Nuovo does not teach or suggest that there would be any way to grip the navigation key. And attempting to pull the navigation key would require the use of both hands, something Nuovo specifically wanted to avoid. (*See* column 1, lines 25-37, where Nuovo describes as a problem with the prior art that users must use both hands to operate the prior art phone.) Accordingly claims 1-39 are neither taught nor suggested by Nuovo, and therefore claims 1-39 are not anticipated by Nuovo under 35 U.S.C. § 102(e) (and therefore also not obvious over Nuovo in view of Jasinski under 35 U.S.C. 103(a)).

Another difference between the invention and the prior is reflected in new claims 30-39. Claim 30 further describes the selection device as having one of the axes being a rotation axis, and the other axes being a translation axis. Claim 31 then describes the rotation axis as operating around the translation axis. In Nuovo, the direction of motion of the navigational key when it depressed is along a different axis than when the navigational key is rolled. For example, referring to FIG. 1 of Nuovo, the axis around which the navigational key is rolled is oriented left-to-right across the phone. But the axis along which the button is depressed is oriented front-to-back through the phone. As these axes are different, the rotation axis of the navigational key in Nuovo does not rotate around the translation axis. Therefore, Nuovo neither teaches nor suggests the invention as described in claims 30-31, and therefore claims 30-31 are not anticipated by Nuovo under 35 U.S.C. § 102(e). Claims 32-35 further describe the method of using the selection device (and claims 36-39 for the similar Beauregard claims)

with the rotation and translation axis oriented similarly as in claims 30-31, and so claims 32-39 are also not anticipated by Nuovo under 35 U.S.C. § 102(e).

Both that amendments to the claims and the newly added claims are supported by the application. For example, the language regarding the selector being operable in two directions on each axis is supported by the specification at page 2, lines 4-10. Even though FIG. 1 only shows knob 110 being twisted in a single direction, the text describes the display as scrolling both up and down. Since twisting knob 110 in only one direction would not be enough to distinguish whether the display should scroll up or down, knob 110 is twistable in both directions on the rotation axis. Similarly, as shown by arrows 125, knob 110 may be either pushed or pulled, showing that the knob may be operated in two directions on the translation (non-rotational movement) axis. By these same arguments, the application supports the amendments to claims 10 and 20.

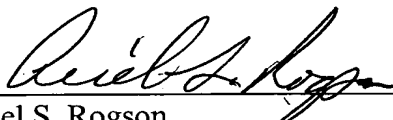
For clarification, the word “independent” was removed from claims 1, 10, and 20 not because the word was incorrect, but to help avoid misinterpretation of the claims. The two axes shown in FIG. 1, although spatially coincidental, are actually different axes: one is for rotation, and one is for translation (movement). As an object may be moved without being rotated and vice versa, rotation and translation axes are, in fact, different axes. Nevertheless, in the hopes that the claims will be clearer, the word “independent” has been removed, to aid in suggesting that the axes may be spatially oriented in the same manner.

With respect to new claims 30-39, the word “translation” does not appear in the specification. Nevertheless, the Applicant asserts that the term “translation axis” describing an axis of non-rotational movement, is known in the art, and is at least graphically represented in FIG. 1 by arrows 125. Therefore, the term “translation axis” is not new matter, and new claims 30-39 are fully supported by the application.

Applicant requests reconsideration in view of the foregoing amendments and remarks.
The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that
an interview would be helpful in advancing the case.

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